

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "B" MEETING

TIME AND PLACE: Special Conference Committee "B" convened on January 5, 2007, at 9:04 a.m., at the Department of Health Professions, Richmond, Virginia.

APPROVAL OF MINUTES: Dr. Levin moved to approve the Minutes of the Special Conference Committee "B" meeting held on October 27, 2006. The motion was seconded and passed.

FIRST CONFERENCE: 9:04 a.m.

PRESIDING: Edward P. Snyder, D.D.S.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.

MEMBERS ABSENT: Jacqueline G. Pace, R.D.H.

STAFF PRESENT: Patricia L. Larimer, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Cynthia E. Gaines, Adjudication Specialist

QUORUM: With two members of the Committee present, a quorum was established.

**Howard P. Cobb, D.D.S.
Case No. 98208**

Howard P. Cobb, D.D.S., appeared with counsel, Carlton F. Bennett, Esq., to discuss allegations that he may have:

1. violated § 54.1-2706(4), (5), (9) and (11) of the Code, and 18 VAC 60-20-170(1), (2), (3) and (4) of the Regulations of the Board of Dentistry, in that he provided unnecessary treatment to Patient A. Specifically, on or about February 2, 2004, Patient A presented to Dr. Cobb's practice for a new patient examination, at which time, pursuant to the chart notations, he diagnosed Patient A with cavities on the occlusal side of tooth #30 and the mesial side of tooth #31. On or about March 25, 2004, he filled the mesial side of tooth #30 and the occlusal side of tooth #31. When Patient A developed pain in tooth #30, she sought treatment with a subsequent dentist who found, using Dr. Cobb's x-rays, that neither tooth #30 or #31 had a cavity;
2. violated § 54.1-2706(9) of the Code, and 18 VAC

60-20-15(3) of the Regulations of the Board of Dentistry, in that he failed to correct the entry in the patient's chart for February 2, 2004, where it was noted that he found cavities on the occlusal side of tooth #30 and the mesial side of tooth #31, although he meant the opposite; and

3. violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(7) of the Regulations of the Board of Dentistry, in that he failed to sign Patient A's treatment records.

The Committee received Dr. Cobb's statements and discussed the evidence in the case with him.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Howard P. Cobb, D.D.S. Additionally, Dr. Levin moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Cynthia Gaines, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Ms. Gaines reported the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. Cobb holds a current Virginia dental license.
2. Allegations #1 and #2 as outlined in the Notice of Informal Conference were dismissed.

3. Adopted as Findings of Fact and Conclusions of Law, allegation #3 as stated in the Notice of Informal Conference, with an additional Finding of Fact that Dr. Cobb stated to the Committee that he does not initial his treatment records because he is the only licensee in the practice performing restorative care, and that he will initial all future treatment records.

Ms. Gaines reported that the Committee will not impose any sanctions.

Dr. Levin moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the decision not to impose any sanctions as reported by Ms. Gaines. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Cobb unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Cobb. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

SECOND CONFERENCE:

10:34 a.m.

PRESIDING:

Edward P. Snyder, D.D.S.

MEMBERS PRESENT:

Jeffrey Levin, D.D.S.

MEMBERS ABSENT:

Jacqueline G. Pace, R.D.H.

STAFF PRESENT:

Patricia L. Larimer, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Cynthia E. Gaines, Adjudication Specialist

QUORUM:

With two members of the Committee present, a quorum was established.

Denis A. Peper, Jr., D.D.S.

Denis A. Peper, Jr., D.D.S., appeared without counsel to

Case Nos. 104280 and 107493 discuss allegations that he may have:

1. violated § 54.1-2706(5) of the Code in that on March 7, 2002, Patient A presented to his practice, where he installed a three unit bridge involving teeth #9 - #11. When Patient A began to experience headaches and difficulty with her bite, on July 22, 2002, she sought treatment from another dentist who found that the bite was high; the teeth were mobile; and that the teeth were too long, big and bulky. On October 13, 2003, the subsequent dentist shortened the length on teeth #9 - #11 due to Dr. Peper's failure to appropriately fit and adjust Patient A's bridge; and
2. violated Term 3 of the Order entered December 13, 2005, in that he failed to continue with psychotherapy, as required.

The Committee received Dr. Peper's statements and discussed with him the evidence regarding allegation #1.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia for the purpose of consideration and discussion of medical/mental health records of Denis A. Peper, Jr., D.D.S. that are excluded from the Freedom of Information Act by Virginia Code § 2.2-3705(A)(5). Additionally, Dr. Levin moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, Administrative Proceedings Division staff, Cynthia Gaines, and Compliance staff, Loretta Hopson-Bush, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

The Committee received Dr. Peper's statements and discussed the evidence in the case with him regarding allegation #2.

The Committee received statements from Loretta Hopson-Bush, Compliance Case Manager.

Reconvene: The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Closed Meeting: Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Denis A. Peper, Jr., D.D.S. Additionally, Dr. Levin moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Cynthia Gaines, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene: The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision: Ms. Gaines reported the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. Peper holds a current Virginia dental license.
2. Allegation #1 as outlined in the Notice of Informal Conference was dismissed.
3. Adopted as Findings of Fact and Conclusions of Law, allegation #3 as stated in the Notice of Informal Conference, with an additional Finding of

Fact that Dr. Peper is in compliance with Term #1 of the Order entered December 13, 2005, in that he has paid his monetary penalty, and he is in compliance with Term #2 of the Order, in that he completed the continuing education course for prescribing on February 6, 2006.

The sanctions reported by Ms. Gaines was that Dr. Peper be issued a reprimand, be assessed a \$5,000 monetary penalty, and continued on stayed suspension with terms.

Dr. Levin moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Gaines. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Peper unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Peper. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

THIRD CONFERENCE:

1:40 p.m.

PRESIDING:

Edward P. Snyder, D.D.S.

MEMBERS PRESENT:

Jeffrey Levin, D.D.S.

MEMBERS ABSENT:

Jacqueline G. Pace, R.D.H.

STAFF PRESENT:

Patricia L. Larimer, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh C. Kiczales, Adjudication Specialist

QUORUM:

With two members of the Committee present, a quorum was established.

Mohsen Izadi, D.D.S.
Case Nos. 102729 and 102070

Mohsen Izadi, D.D.S., appeared without counsel, to discuss allegations that he may have:

1. violated § 54.1-2706(5) and (11) of the Code, in that he failed to diagnose and treat extensive decay in Patient A's tooth #19. Specifically, on or about October 21, 2003, he took an x-ray, which showed that tooth #19 had distal cavities, poor marginal integrity, periapical radiolucency on the mesial root and furcation. However, he failed to note the same in the patient's chart, he failed to include treatment of the tooth in his treatment plan of October 21, 2003, and failed to treat tooth #19 during subsequent visits on April 6, 2004, October 12, 2004, and October 23, 2004;
2. violated § 54.1-2706(5), and (11) of the Code, in that during his treatment of patient A on or about October 25, 2004, he failed to diagnose that teeth #3 and #20 were in need of immediate treatment, as determined by a subsequent dentist in February 2005. Further, on that same date, he failed to properly treat teeth #10 and #11, in that, although he placed an anterior composite resin in each tooth, he failed to remove extensive decay, requiring re-treatment by a subsequent dentist in March 2005;
3. violated § 54.1-2706(4), (5) and (9) of the Code, and 18 VAC 60-20-170(2) of the Regulations of the Board of Dentistry, in that on or about October 25, 2004, during his treatment of Patient A, he desensitized teeth #4, 5, 6, 8, 9, 10, 11 and 12 without a documented diagnosis for said treatment, and without the patient's consent;
4. violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(1), (2) and (3) of the Regulations of the Board of Dentistry, in that dental records for Patient A do not reflect accurate office visit dates, do not consistently list the name of the patient, or the diagnosis/treatment rendered, and do not reflect an updated health history;
5. violated § 54.1-2706(4) of the Code, as defined in 18 VAC 60-20-170(1) and (6) of the Regulations of the Board of Dentistry, in that on October 21,

2004, and October 28, 2004, he engaged in fraud and deceit in the billing of Patient B. Specifically, he overcharged Patient B for some services rendered on those dates, as well as “balanced billed” the patient. Further, he billed Patient B’s insurance company on October 28, 2004, for delivery of a crown to tooth #3, which, according to his records, was still incomplete as of May 6, 2005; and

6. violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(1) and (3) of the Regulations of the Board of Dentistry, in that dental records for Patient B do not consistently list the name of the patient and do not reflect delivery of the crown to tooth #3.

The Committee received Dr. Izadi’s statements and discussed the evidence in the case with him.

The Committee also received statements from Melissa Roark, Office Manager for Dr. Izadi.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Mohsen Izadi, D.D.S. Additionally, Dr. Levin moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee received additional statements from Dr. Izadi.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Mohsen Izadi, D.D.S. Additionally, Dr. Levin moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Dr. Snyder reported that the decision of the Committee was to dismiss the case. Dr. Levin moved to adopt the decision of the Committee. The motion was seconded and passed.

FOURTH CONFERENCE:

4:05 p.m.

PRESIDING:

Edward P. Snyder, D.D.S.

MEMBERS PRESENT:

Jeffrey Levin, D.D.S.

MEMBERS ABSENT:

Jacqueline G. Pace, R.D.H.

STAFF PRESENT:

Patricia L. Larimer, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

QUORUM:

With two members of the Committee present, a quorum was established.

**Thomas S. Kwon, D.D.S.
Case Nos. 88497 and 104701**

Thomas S. Kwon, D.D.S., appeared without counsel, to discuss allegations that he may have:

1. violated § 54.1-2706(4), (5), (6), (9), and (11) of the Code, and 18 VAC 60-20-170(5) and 18 VAC 60-20-190(9) of the Regulations of the Board of Dentistry, in that beginning in or about 2000, he allowed dental assistants to engage in activities that required licensure as a dentist or as a dental hygienist. The assistants were allowed to place a partial denture in the mouth of Patient A to test the fit and then grind the partial to adjust the fit in or about September 2000; scale and clean the teeth of Patient B, Patient F, Patient G, Patient I, and Patient K, as indicated in the patients' charts; deliver a crown, as recorded in Patient C's chart on January 31, 2002; irrigate and pack tooth #3 as a part of root canal therapy for Patient H, as noted in Patient H's chart on October 1, 2001; and adjust an upper partial denture for Patient J, as noted in Patient J's chart on November 1, 2000;
2. violated § 54.1-2706(4), (5), and (11) of the Code, and 18 VAC 60-20-170(2) of the Regulations of the Board of Dentistry, in that during the course of treatment from 2000 to 2001, he did not check the fit of Patient A's upper front partial denture, and allowed Patient A to wear an incorrect and ill-fitting partial denture home from visits to the office;
3. violated § 54.1-2706(5) and (11) of the Code, in that Patient A was unnecessarily pre-medicated for a scheduled appointment, on or about May 30, 2001, for placement of a partial denture when the appliance was not yet returned from the lab;
4. violated § 54.1-2706(4), (5), and (11) of the Code, and 18 VAC 60-20-170(2) of the Regulations of the Board of Dentistry, in that during his treatment of Patient A, he cemented the lower bridge with temporary cement on or about January 9, 2001, which subsequently fell out. He did not examine

Patient A at any time after the bridge fell out and no replacement bridge was ever ordered or made. Dr. Kwon did not respond to inquiries from Patient A regarding the bridge, neither at her visits nor after she mailed letters to him, on or about December 10, 2001, and on or about February 4, 2002, requesting that he address the issue;

5. violated § 54.1-2706(9) and § 54.1-2709.A of the Code, and 18 VAC 60-20-20.C(2) of the Regulations of the Board of Dentistry, in that, from March 31, 2004 until May 6, 2004, he practiced dentistry without a current, active license;
6. violated § 54.1-2706(9) and § 54.1-2719.B of the Code, and 18 VAC 60-20-15(8) of the Regulations of the Board of Dentistry, in that during an unscheduled inspection of his practice on May 5, 2004, a work order reviewed for Patient A, did not contain the signature and address of the dentist. Further, work orders reviewed during an unscheduled inspection of his practice on September 11, 2006, pursuant to the Board's Order entered July 29, 2005, for Patients M, P and R did not contain the signature and address of the dentist;
7. violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(2) of the Regulations of the Board of Dentistry, in that there was no updated health history for Patients A, L, M- N and Q through S;
8. violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(3) of the Regulations of the Board of Dentistry, in that during his treatment of Patient A from on or about September 14, 2000, to on or about August 30, 2001, records did not adequately show the diagnosis and treatment rendered to this patient;
9. violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(4) of the Regulations of the Board of Dentistry, in that he failed to document the drugs administered to Patient A. Further, the quantity of drugs prescribed to Patient H on or about October 1, 2001, was not recorded;
10. violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(5) of the Regulations of the Board of

Dentistry, in that he failed to maintain radiograph records for Patient A;

11. violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(6) of the Regulations of the Board of Dentistry, in that he failed to maintain financial records for Patient A;
12. violated § 54.1-2706(5) and (15) of the Code, as further defined in 18 VAC 110-20-700 and 18 VAC 110-20-710.B of the Regulations of the Board of Pharmacy, in that during an inspection of his practice on September 11, 2006, pursuant to the Board's Order entered July 29, 2005, expired medications were maintained within the working stock in his office; and
13. violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(7) of the Regulations of the Board of Dentistry, in that the dental records for Patients A, D, E, G, H, J-M and P-T did not contain the identity of the dentist providing service, unless there was a work order or referral.

The Committee received Dr. Kwon's statements and discussed the evidence in the case with him.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Thomas Kwon, D.D.S. Additionally, Dr. Levin moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed

meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Ms. Ross reported that the Committee adopted as Findings of Fact and Conclusions of Law, all 13 allegations as stated in the Notice of Informal Conference with an additional Finding of Fact that Dr. Kwon is in compliance with Term #1 of the Order entered July 29, 2005, in that he has completed the required continuing education courses, and he is in compliance with Term #2 of the Order, in that he underwent an inspection and paid the fee.

The sanctions reported by Ms. Ross were that Dr. Kwon be placed on indefinite probation, be issued a reprimand, be assessed a \$15,000 monetary penalty, and undergo two unannounced inspections.

Dr. Levin moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Ross. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Kwon unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Kwon. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 5:25 p.m.

**Virginia Board of Dentistry
Special Conference Committee B
January 5, 2007**

14

Edward P. Snyder, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date